

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA

v.

PATRICK DAI,

Defendant.

Case No. 3:23-MJ-

632 (TMB)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of 10/29/23 in the county of Tompkins in the Northern District of New York, and elsewhere, the defendant violated:

Code Section

Title 18, United States Code, Section 875(c)

Offense Description

Making a Threat Using Interstate Communications

This criminal complaint is based on these facts:
See attached affidavit

☒ Continued on the attached sheet.

Complainant's signature

Michael Renn, Special Agent

Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: 10/31/2023

Judge's signature

City and State: Syracuse, New York

Hon. Thérèse Wiley Dancks, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT
OF A CRIMINAL COMPLAINT**

I, Michael Renn, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of a criminal complaint charging Patrick Dai with making threatening statements in violation of Title 18, United States Code, Section 875(c).

2. I am a Special Agent with the FBI and have been so since 2017. As such, I am an officer of the United States empowered by law to conduct investigations of and to make arrests for offenses enumerated in Titles 18 and 21 of the United States Code. I am currently assigned to the Joint Terrorism Task Force (“JTTF”) where my primary responsibility is conducting national security investigations involving matters of international and domestic terrorism. Prior to employment with the FBI, I was employed as a United States Border Patrol Agent from 2011 to 2017. Throughout my employment as a federal law enforcement officer, I have received extensive training and I have gained experience in interviewing and interrogation techniques, arrest procedures, search warrant applications, the execution of searches and seizures, examination of digital and physical evidence, and various other criminal laws and procedures.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents, witnesses, and agencies. This affidavit is intended to show merely that there is sufficient probable cause to believe that Dai has violated 18 U.S.C. § 875(c).

PROBABLE CAUSE

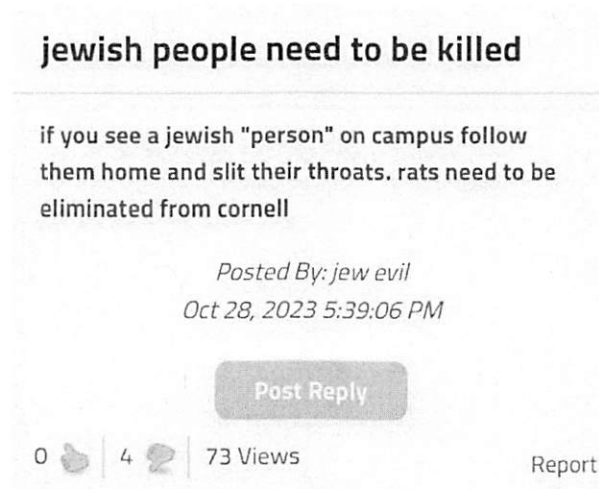
4. On October 29, 2023, the FBI received a call from the Cornell University Police regarding an internet post on October 29, 2023, at approximately 3:00 PM on Website 1. According to the information provided by the Cornell Police Department, the post stated, “gonna shoot up

104 west.” The post also had the phrase “allah akbar.” By the time Cornell University Police reported the incident to the FBI, the post had been taken down. According to further information provided by Cornell University Police and other public information, 104 West is a Cornell University dining hall that caters predominantly to Kosher diets and is located next to the Cornell Jewish Center, which provides residences for Cornell students.

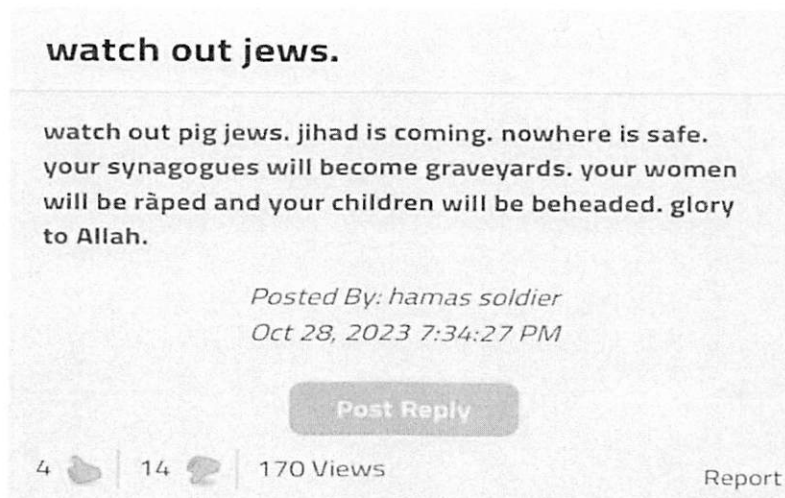
5. On the same date, the FBI received a tip-line referral regarding several threatening statements made towards Jewish students at Cornell University. According to the tipster, the threats were made on the Cornell section of Website 1. Website 1 is a discussion site about fraternities and sororities on different college campuses. Website 1 allows users to select a specific college and enter a discussion forum that permits users to make posts, typically concerning that college. These posts were in the Cornell University discussion forum. Based on the observations made by the tipster, these posts made threats of “Jihad” and references to “blowing up the student center.” The tipster also was aware that the individual making the posts on the website has used usernames/screennames including – “kill jews,” “Jew Crimes,” “hamas soldier,” and more. The FBI received numerous additional notifications regarding the same threatening statements.

Multiple screenshots of the posts made on the Cornell section of Website 1 were sent to the FBI for review. The following posts were reported to the FBI:

- Post #1 entitled “Jewish people need to be killed,” was posted by “Jew Evil” on October 28, 2023, at 5:39 p.m. Eastern Time. A screenshot of the post is set forth below:



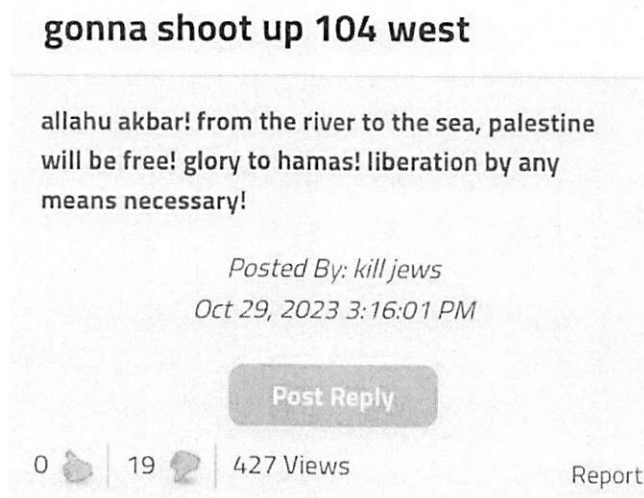
- Post #2 entitled “Watch out Jews,” was posted by “hamas soldier” on October 28, 2023, at 7:34 p.m. Eastern Time. A screenshot of the post is set forth below:



- Post #3 entitled “if i see another jew,” was posted by user “hamas” on October 29, 2023, at 11:24 a.m. Eastern Time. A screenshot of the post is set forth below:



- Post #4 entitled “Gonna Shoot up 104 West,” was posted by user “kill jews” on October 29, 2023, at 3:16 p.m. Eastern Time. A screenshot of the post is set forth below:



6. On October 30, 2023, based on the information contained in the posts referenced above, the FBI submitted an emergency disclosure request to Website 1 to obtain and identify subscriber information associated with the individual or individuals making the posts. Per Website 1, the only identifiable information available for each of the posts were associated internet protocol

(IP) addresses. Website 1 indicated that Post #3 (above) was associated with a particular IP address (“IP Address 1”). Website 1 notified the FBI that the IP information associated with the other posts had inadvertently been deleted from their systems. However, Website 1 informed the FBI that Post #4, and the content therein, had been previously posted on October 26, 2023, at 3:31 p.m. Eastern Time. The IP address associated with that post was identified as a different IP address (“IP Address 2”).

7. According to law enforcement databases and open-source tools, IP Address 1 is attributed to internet service provider (ISP) Charter Communications (also doing business as Spectrum) and geo-located to the Pittsford, New York area. The same queries were conducted for IP Address 2, which revealed it also is attributed to Charter Communications and geo-located to the Ithaca, New York area.

8. Based on further discussions with Website 1, multiple other posts were identified as having been posted to the Cornell University section of the website by an individual using IP

Address 1, the same IP address as associated to the above-mentioned posts. The additional posts associated by IP Address 1 were provided to the FBI and listed below (in chronological order):

Date: 2023-10-28 07:17:46 IP: 67.246.242.17

School: Cornell University - CU

Author: sieg heil

Title:

Content: preach, brother! all jews are sub human animals and must be killed as such! the zionist entity will be destroyed!

Date: 2023-10-28 17:37:39 IP: 67.246.242.17

School: Cornell University - CU

Author: 50 shekels

Title:

Content: jewish people are some of the most greedy, violent, genocidal creatures on this planet. no better than animals

Date: 2023-10-28 20:02:15 IP: 67.246.242.17

School: Cornell University - CU

Author: glorious hamas

Title:

Content: i will find you and your family. i will rape your wife in front of you before slitting her throat. i will behead your children and bathe you in their blood. die, nazi zionist genocidal jewish scum.

Date: 2023-10-28 20:16:07 IP: 67.246.242.17

School: Cornell University - CU

Author: pig kys

Title:

Content: as long as the target is sub human like a zionist jew-woman then rape is allowed and encouraged by the quran. Mashallah

Date: 2023-10-28 20:17:30 IP: 67.246.242.17

School: Cornell University - CU

Author: jew evil

Title:

Content: Yes Brother! The evil shekel-grubbing pigs deserve an animals death! Keep it up!

Date: 2023-10-28 22:58:12 IP: 67.246.242.17

School: Cornell University - CU

Author: Hamas Fighter

Title:

Content: Good. Let the rain of retribution turn the zionist entity into a storm of hellfire. Let every nazi fascist genocidal jew die from their own hypocrisy. The defenders of Palestine will not stay silent!

9. In my training and experience the forgoing posts are threats within the meaning of the Subject Offense. In response to these threats, Cornell University deployed law enforcement personnel to help protect the locations where Jewish students congregate. Students have reported feeling unsafe on campus, some have chosen to relocate off campus, and others have had their relatives pick them up and bring them home.

Identification of Patrick Dai

10. On the October 30, 2023, the FBI served an emergency disclosure request to Charter Communications for IP Address 1, which resolved to a person and residence affiliated with Dai.

11. On October 30, 2023, as part of a joint investigation into the referenced statements and threats, the FBI spoke with investigators assigned to the Cornell University Police Department who conducted searches of their databases, confirming that Dai is a current student at Cornell University.

12. On October 31, 2023, I participated in an FBI interview of Dai at the Cornell Police Department. During the interview, which was audio and video recorded, Dai admitted, after receiving *Miranda* warnings, that he was the person who used the internet to post the threatening messages described above.

CONCLUSION

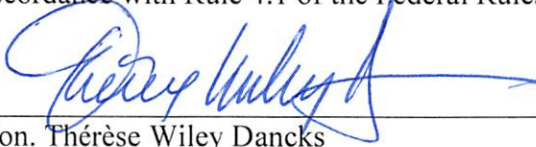
13. Based on the information described above, there is probable cause for the Court to authorize a criminal complaint charging Dai with violating 18 U.S.C. § 875(c).

ATTESTED TO BY THE APPLICANT IN ACCORDANCE WITH THE REQUIREMENTS OF
RULE 4.1 OF THE FEDERAL RULES OF CRIMINAL PROCEDURE.

A handwritten signature in black ink, appearing to read 'Michael Renn', written over a horizontal line.

Michael Renn
Special Agent
Federal Bureau of Investigation

I, the Honorable Hon. Thérèse Wiley Dancks, United States Magistrate Judge, hereby
acknowledge that this affidavit was attested to by the affiant by telephone on October 31, 2023, in
accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

A handwritten signature in blue ink, appearing to read 'Thérèse Wiley Dancks', written over a horizontal line.

Hon. Thérèse Wiley Dancks
UNITED STATES MAGISTRATE JUDGE